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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,689	02/10/2004	George Anthony Dunn	HSJ920030091US1	9184

35987 7590 04/01/2005

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EXAMINER

FIGUEROA, NATALIA

ART UNIT

PAPER NUMBER

2651

DATE MAILED: 04/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/775,689	Applicant(s) DUNN ET AL.	
	Examiner Natalia Figueroa	Art Unit 2651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>02/10/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 10 February 2004 (02/10/2004) is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4-5) because:
- Reference character "206" has been used to designate both "a pivot point" and "servo samples". See specification (page 6, ¶25).
 - In the specification, page 6, ¶26, review phrase "A portion 502", examiner suggests "A portion 402", review the reference numeral to make sure it is the right one.
 - For figure 6, reference element A' is not clear.
 - Reference character "801" has been used to designate both "read/write head" and "read element". See specification (page 6, ¶25).
 - In figure 4, reference element 406 is not mentioned in the specification.
 - In figure 8, reference element 800 is not mentioned in the specification.
 - In figure 12, reference elements 1202-1203 are not mentioned in the specification.
3. Corrected drawing sheets, or amendment to the specification to add the reference character(s) in the description, are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37

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CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al (USPN 5,682,274), hereinafter Brown in view of Hrinya et al (USPN 6,204,989), hereinafter Hrinya.

RE claim 1, Brown discloses a method for improving the format efficiency of a hard disk of a hard disk drive, the hard disk drive having a rotary actuator and a read/write head (figs. 3-4 and disclosure thereof and col. 2, lines 36-45), the read/write head having a read element that is offset from a write element (fig. 5 and col. 5-line 67-col. 6, line 2), the method comprising

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determining a radial position of the read/write head with respect to the hard disk (figs. 4-5 and col. 5, lines 17-24 and 54-60). Brown fails to explicitly teach writing a data track having a length between successive servo sample areas that is based on an arc of the rotary actuator, the radial position of the read/write head with respect to the hard disk and the offset between the read element and the write element.

However, Hrinya discloses such on (col. 4, lines 6-39 and col. 6, lines 41-59). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to improve the apparatus as disclosed by Brown with the above teachings from Hrinya write data at different distance given the desired head and radial offsets hence increasing the data density of a disk drive.

RE claim 2, the combination of Brown and Hrinya is relied upon for the same reasons of rejection as stated above. Hrinya further discloses determining the length of the data track from a look-up table (or data table, col. 8, lines 38-53).

RE claim 3, Hrinya further discloses determining the length of the data track based on a determination of the arc of the rotary actuator, the determined position of the read/write head with respect to the hard disk, and the physical offset between the read element and write element (col. 4, lines 6-39 and col. 6, lines 41-59).

RE claim 4, Brown further discloses determining the length of the data track based on an angular position of the rotary actuator (col. 4, lines 6-39 and col. 6, lines 41-59).

RE claims 5-8, apparatus claims 5-8 are drawn to the apparatus corresponding to the method of using same as claimed in claims 1-4. Therefore apparatus claims 5-8 correspond to method claims 1-4, and are rejected for the same reasons of obviousness as used above.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following documents are cited to further show the state of the art.

a) Teo et al (USPN 6,873,488): Discloses a read-to-writer offset.

b) Deeman et al (PUB. NO. 2004/0001268): Discloses a timing offset in a drive.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalia Figueroa whose telephone number is (571) 272-7554.

The examiner can normally be reached on Monday - Thursday 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


NFM


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